

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DIANE M. BANKES,

Plaintiff,

v.

PERRY COUNTY C.Y.S.,

Defendant.

CIVIL ACTION NO. 1:08-cv-02097

(JUDGE CAPUTO)

MEMORANDUM ORDER

Presently before the Court is Plaintiff Diane M. Bankes' Complaint (Doc. 1) and accompanying Motion For Leave to Proceed *In Forma Pauperis* (Doc. 2). Federal courts have an obligation to address issues of subject matter jurisdiction *sua sponte*. *Meritcare Inc. v. St. Paul Mercury Ins. Co.*, 166 F.3d 214, 217 (3d Cir. 1999.).

Plaintiff, filing *pro se*, does not allege a jurisdictional basis in her Complaint. The Plaintiff simply asks this Court to return custody of her son to Plaintiff. From the face of Plaintiff's Complaint, the Court is unable to infer any question of federal law sufficient to create subject matter jurisdiction under 28 U.S.C. § 1331. The Court is also unable to find any basis for diversity jurisdiction pursuant to 28 U.S.C. § 1332 as both Plaintiff and Defendant appear to be Pennsylvania citizens. Moreover, even if some diversity of citizenship were inferred into Plaintiff's Complaint, the Supreme Court of the United States has a "long-standing tradition of reserving domestic relations matters to the States." *Thompson v. Thompson*, 484 U.S. 174, 187 n.4 (1988); see also *In re Burrus*, 136 U.S. 586, 593-596 (1890) ("[t]he whole subject of the domestic relations of. . . parent and child, belongs to the laws of the States and not to the laws of the United States."); *Williams v.*

North Carolina, 325 U.S. 226, 233 (1945).

Accordingly, even though the Court reads Plaintiff's Complaint under the liberal pleading standards afforded *pro se* litigants under *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court is unable to find sufficient subject matter jurisdiction over this case.

NOW, this 24th day of November, 2008, upon review of the Plaintiff's Complaint, IT IS HEREBY ORDERED THAT this action is **DISMISSED** without prejudice for lack of subject matter jurisdiction.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge